

Attorney:
MICHAEL FAILLACE
MICHAEL FAILLACE & ASSOCIATES
60 EAST 42ND STREET SUITE 4510
NEW YORK NY 10165



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
JUAN CARLOS MARTINEZ ROSENDO, INDIVIDUALLY AND ON BEHALF OF OTHERS
SIMILARLY SITUATED

Plaintiff

JOHN DOE CORP. (D/B/A JIREH TIRE), ET AL
Defendant

Index / case #: 1:20-CV-4656
AFFIDAVIT OF SERVICE

N.Y. County, State of: New York Hector Figueroa being sworn,
says: Deponent is not a party herein, is over the age of 18 years and resides in the State of: New York
On 9/11/20 at 4:52 am at: 2 EAST 116TH STREET NEW YORK NY 10029

Deponent served the within: SUMMONS & COMPLAINT

On which were set forth the Index No., herein, and date of filing

On: GERSHOM LORDSON C/O JIREH TIRE
(herein after called the recipient) therein named.

☐ Individual By delivering a true copy of each to said recipient personally; Deponent knew the person so served to be the person described in as said recipient therein

☒ Suitable Age person By delivering thereat a true copy of each to: John Smith, Employee
a person of suitable age and discretion. Said premises is recipients [] Actual Place of Residence
[☒] Actual Place of Business within the State.

☐ Affixing to Door By affixing a true copy of each to the door of said premises which is recipients [] Actual Place of Residence
[] Actual Place of Business, within the State
Deponent was unable with due diligence to find recipient or person of suitable age and discretion thereat having called there

☐ Corporation or Partnership By delivering thereat a true copy of each to:
personally. Deponent knew said corporation / partnership so served to be the corporation / partnership described in said aforementioned document as said recipient and knew said individual to be thereof.

☒ Mailing Within 20 days of such delivery, or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient at recipients last known [] Actual Place of Residence [☒] Actual Place of Business
at Jireh Tire, 2 E. 116th Street, New York, NY 10029
and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "personal and confidential" and did not indicate on the outside, thereof by return address or otherwise that the communication was from an attorney or concerned an action against the defendant.

☒ Description [☒] Male [☒] White skin [] Black hair [] 14-20 Yrs [] Under 5' [] Under 100 Lbs
[] Female [] Black skin [] Brown hair [] 21-35 Yrs [] 5'0"-5'3" [] 100-130 Lbs
[] Yellow skin [] Gray hair [☒] 36-50 Yrs [☒] 5'4"-5'8" [☒] 131-160 Lbs
[] Brown skin [] Blonde hair [] 51-65 Yrs [] 5'9"-6'0" [☒] 161-200 Lbs
[] Red skin [] Red hair [] Over 65 Yrs [] Over 6' [] Over 200 Lbs

Other Identifying Features

☒ Military Service I asked the person spoken to whether recipient was in active military service of the United States or the State of New York in any capacity whatever and received a negative reply. The source of my information and the grounds of my belief are the conversations and observations above narrated.

☐ Subpoena Fee Tendered in the amount of

Sworn to before me on 9/15/20

(Print name below signature)

Hector Figueroa, #0870141

File No. 1:20-CV-4656

JONATHAN RIPPS
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01R16109718
Qualified in New York County
My Commission Expires May 17, 2024

Work Order No. 511665

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
JUAN CARLOS MARTINEZ ROSENDO, individually
and on behalf of others similarly situated,

Plaintiff(s),

Civil Action No. 1:20-cv-4656

AFFIDAVIT OF SERVICE

v.

JOHN DOE CORP. (D/B/A JIREH TIRE) and
GERSHOM LORDSON,

Defendant(s).

-----X
STATE OF NEW YORK)
S.S.
COUNTY OF NEW YORK)

HECTOR FIGUEROA, being duly sworn, deposes and says that he is over eighteen years of age, is an agent of DGR, and is not a party to this action.

That on the 11th day of September, 2020, at approximately the time of 4:52 pm, deponent served a true copy of the **SUMMONS IN A CIVIL ACTION AND COMPLAINT** upon **GERSHOM LORDSON** c/o Jireh Tire, at 2 East 116th Street, New York, NY 10029, by personally delivering and leaving the same with **JOHN SMITH**, a person of suitable age and discretion, employee, at that address, the actual place of business. At the time of service, deponent asked **JOHN SMITH** if **GERSHOM LORDSON** is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

JOHN SMITH is a tan Hispanic male, approximately 50 years of age, stands approximately 5 feet 7 inches tall, weighs approximately 200 pounds with no hair and brown eyes.

That on the 14th day of September, 2020, deponent served another copy of the foregoing upon **GERSHOM LORDSON** by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL AND CONFIDENTIAL" written on the same envelope and not indicating on the outside that it is from an attorney or concerns an action against the person

to be served, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York, addressed as follows:

GERSHOM LORDSON

C/O JIREH TIRE

2 EAST 116TH STREET

NEW YORK, NY 10029



HECTOR FIGUEROA, #0870141

Sworn to before me this
15th day of September, 2020



NOTARY PUBLIC

JONATHAN RIPPS
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01R16109718
Qualified in New York County
My Commission Expires May 17, 2024

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

JUAN CARLOS MARTINEZ ROSENDO, individually
and on behalf of others similarly situated,

Plaintiff(s)

v.

JOHN DOE CORP. (D/B/A JIREH TIRE) and
GERSHOM LORDSON,

Defendant(s)

Civil Action No. 20-cv-4656

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Gershom Lordson
c/o Jireh Tire
2 E 116th St
New York, NY 10029

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,

whose name and address are: Michael A. Faillace
MICHAEL FAILLACE & ASSOCIATES, P.C.
60 East 42nd Street, Suite 4510
New York, New York 10165

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 06/18/2020

/S/ P. NEPTUNE

Signature of Clerk or Deputy Clerk

